

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

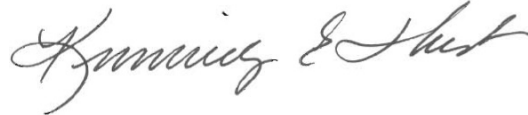
SAMANTHA WILKS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-18-080-KEW
	)	
BNSF RAILWAY COMPANY,	)	
a corporation,	)	
	)	
Defendant.	)	

**O R D E R**

This matter comes before the Court on Defendant's Twelfth Motion in Limine (Docket Entry #153). Defendant BNSF Railway Company ("BNSF") seeks to preclude Plaintiff from introducing evidence or argument on BNSF's alleged practice producing a list of BNSF employees it was "targeting" or "blacklisting" for dismissal. The source of this information was David Rangel - an expert employed by Plaintiff - quoting two of his sons who were former employees of BNSF. By prior Opinion and Order, Mr. Rangel's testimony has been excluded from the trial of this case as failing to meet the rigors of Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993). Certainly, such evidence is irrelevant to the issues of this case under Fed. R. Evid. 402 and its unfair prejudice that it imposes upon BNSF is outweighed by any probative value of such evidence. Moreover, the foundation for its existence is unduly suspect.

IT IS THEREFORE ORDERED that Defendant's Twelfth Motion in Limine (Docket Entry #153) is hereby **GRANTED**, in relation to any evidence or argument pertaining to BNSF's alleged "targeting" or "blacklisting" of its employees.

IT IS SO ORDERED this 31<sup>st</sup> day of March, 2021.

A handwritten signature in cursive script, appearing to read "Kimberly E. West", written in black ink.

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KIMBERLY E. WEST  
UNITED STATES MAGISTRATE JUDGE